

02.05.2023

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rejected

C.R.M. (DB) No. 1780 of 2023

In Re:- An application for bail under Section 439 of the Code of Criminal Procedure in connection with Kult Police Station Case No. 692 of 2022 dated 14.11.2022 under Sections 395/412/397 of the Indian Penal Code and under Section 25(1B)(a)/27/35 of the Arms Act.

And

In Re : Gourango Senapati petitioner

Mr. Ayan Basu
Sk. Salim
Mr. Sumit Routh

.... for the petitioner

Mr. Madhu Sudan Sur, learned APP
Mr. Manoranjan Mahata

.... for the State

Mr. Avik Ghatak
Mr. Chandra B. Sharma
Mr. Fahad Imam

.... for the de facto complainant

Learned Counsel for the petitioner submits he was not put up for test identification parade. Alleged recovery was made from a courtyard which is not in the control of the petitioner. He prays for bail.

Learned Counsel for the State opposes the prayer for bail and submits recovery was made in two tranches. Firstly recovery of cash and stolen articles were made from the courtyard of the petitioner and thereafter another tranche was recovered from her residence.

Learned Counsel for the de facto complainant opposes the prayer for bail and submits stolen articles have been identified by his wife.

We have considered the materials on record. Initially recovery was made from the courtyard of the petitioner. Such recovery was made on the leading statement of the co-accused. Subsequently petitioner was arrested and upon search of his residence stolen articles and cash have been recovered. These stolen articles have been identified during investigation. Under such circumstances and in view of nature of offence we are not inclined to grant bail to the petitioner at this stage.

The application for bail is, thus, rejected.

(Ajay Kumar Gupta, J.)

(Joymalya Bagchi, J.)